

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8367 of 1997  
with  
SPECIAL CIVIL APPLICATION No 2778 of 1998  
with  
SPECIAL CIVIL APPLICATION No 3231 of 1998  
with  
SPECIAL CIVIL APPLICATION No 3910 of 1998  
with  
SPECIAL CIVIL APPLICATION No 4283 of 1998  
with  
SPECIAL CIVIL APPLICATION No 4519 of 1998  
with  
SPECIAL CIVIL APPLICATION no 4656 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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PARMAR ASHOK MANILAL

Versus

O N G C

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Appearance:

MR KS ACHARYA for Petitioners

MR VYAS for M/S TRIVEDI & GUPTA for Resp. No. 1

NOTICE SERVED BY DS for Respondent No. 2  
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CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 13/10/98

ORAL JUDGEMENT

There has been an order of status quo in all these matters and the workmen concerned are all continuing in their services as a result thereof.

2. Heard the learned advocates for both the sides. Without going deep in the controversy between the parties, if the directions as detailed below are given, then the same would not cause any serious prejudice to the parties and the same will solve the dispute between the parties as regards the claims made in these petitions. I, therefore, hereby order and direct that:

- (A) The petitioners should approach the Conciliation Officer with respect to their demands for which these petitions are filed within six weeks;
- (B) The Conciliation Officer shall submit the necessary report within six weeks from the date of hearing the parties and after taking into consideration their contentions;
- (C) In case if the Conciliation Officer happened to file a failure report, then the appropriate Government shall take a decision for making a reference within four weeks from the date of receipt of failure report. Till such a decision is taken, the order of status quo passed by this court shall remain in force till two weeks from the date of intimation given to the petitioners of making reference;
- (D) In case the appropriate Government passes an order refusing to make a reference then the order of status quo passed by this court shall remain in force till two weeks from the date of communicating the said decision to the petitioners;
- (E) In case the present contract between the principal employer and the contractor comes to an end and for any reason the principal employer discontinues the present contracts, it will be open for the principal employer to award fresh contracts by inserting a clause that the new contractor will continue the present workmen in

these petitions during the period of status quo as indicated earlier. It is, however, clarified that it will be open for the contractor to take appropriate disciplinary action against the workmen according to law.

3. Thus, in view of the above directions issued by this court, nothing survives in these petitions. All the petitions are accordingly disposed of. Notice issued in each case is discharged. Interim relief is made absolute on above indicated terms. No order as to costs.

(KMG Thilake)

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